

John Olaf Nelson Water Resources Management

1833 Castle Drive, Petaluma, CA 94954

Ph: 707 778-8620 Fax: 707 778-3566 Cell Ph: 707 291-9862 E-mail: jonolaf@attbi.com

May 30, 2002

To: Water Advisory Committee and Interested Persons

Subject: **REPORT ON WORKSHOP NO. 4**

The following report has been prepared by consultant John Olaf Nelson Water Resources Management (JONWRM).

Public Comments on Framework Issues List Prepared by WAC

At the conclusion of Workshop No. 3, the Water Advisory Committee (WAC) reviewed all public input to that date and, with the help of an ad hoc subcommittee comprised of representatives from Santa Rosa, Petaluma, Cotati, Valley of the Moon Water District, North Marin Water District and Marin Municipal Water District, identified "Framework Issues to Include in the New Agreement" (document dated May 6, 2002). In creating this document, the WAC noted that the issues listed might be revised as new information is discovered and negotiations among the parties proceed. The WAC then confirmed May 23rd as the next public workshop and its purpose – a dialog with the public and the obtaining of public comments on the Framework Issues list. A notice and agenda (Attachment A) and the Framework Issues list was posted to 444 persons, agencies and organizations on the new agreement mailing list.

Workshop No. 4 was held at the Margaret Todd Senior Center in Novato. A total of 40 persons turned out. Sign-up sheets indicated seven persons represented the public or environmental groups. A transcript of comments received is contained in Attachment B. Changes to the Framework List recommended at the workshop (about a dozen) are shown in strikeout format on Attachment C.

Recommendation:

It is recommended the WAC, at its June 3 meeting, review and either accept, reject or modify the recommended changes shown on Attachment C.

Production of First Draft of Water Supply Agreement

In August 2001, JONWRM was hired by the parties to act as negotiation facilitator. The scope of work states:

"Consultant shall assist the Water Advisory Committee (WAC) with development of a new Water Supply Agreement between the Sonoma County Water Agency (Agency), existing water contractors (Santa Rosa, Petaluma, Sonoma, Rohnert Park, Cotati, North Marin Water District, Valley of the Moon Water District and Forestville Water District), the Town of Windsor and Marin Municipal Water District all collectively designated as "parties." Consultant, with input from the parties, will prepare drafts of agreements for review by the parties and act as facilitator to assist parties in attempting to come to agreement. (emphasis added)

The facilitation process is expected to take (up to) 2 ½ years and shall include public workshops to be run by Consultant's sub consultant, the Institute for Community Planning Assistance/Environmental Mediation Program (ICPA/EMP) of Sonoma State University. Professional work provided by sub consultant shall be provided by Tom Jacobson, JD, AICP. It is estimated that four public workshops will be required in the first 12 months of the negotiation process. At the time of execution of this agreement, the workshops are tentatively scheduled to occur September 2001, December 2001, January 2002, and April 2002. The number may be more or less as determined by the WAC. The goal of the facilitation process is the development of a new Water Supply Agreement that the participating designees of the parties will recommend to their decision makers for adoption.

Work to be performed by the Consultant shall include (a) facilitating public participation in the process via public workshops to provide opportunities for public questions, comments, and exchange of information and ideas (such workshops to be held at locations and a frequency determined by the WAC), (b) a vision statement to guide the process, (c) identification of issues and assistance in framing issues, (d) facilitation of negotiations among the parties, and (e) identification and communication to the parties of potential resolutions to substantive disputes. Consultant shall be available to assist staff of parties in making presentations to decision makers. In the performance of services hereunder, Consultant shall act as a neutral facilitator, and shall not favor the position of a particular party or parties to the detriment of the parties as a whole."

Now that the WAC has identified its major issues, the next order of business is to prepare the first draft of the agreement. I understand the SCWA and its attorneys have prepared an agreement draft. I have not seen that draft as of this writing. It is presumed that the SCWA draft addresses the concerns raised by staff in the Draft March 2002 Water Policy Statement, namely:

1. Maximizing financing flexibility for future construction;
2. The process whereby additional capital financing and construction is approved by the water contractors;
3. Clarification regarding recycled water projects;
4. Clarification regarding additional water conservation requirements;
5. The addition of the Town of Windsor and MMWD as water contractors;
6. Clarification of the obligation of water contractors to pay appropriate shares of environmental costs associated with delivering current and future water supply such as environmental permitting, compliance mitigation, restoration, and enhancements costs; and,
7. Efforts to protect and preserve water quality through open space purchases, easements, and acquisition of riparian zones.

Recommendation:

That JONWRM, utilizing the following key inputs, prepare an initial draft of the new agreement and, circa August 1, 2002, submit same to the parties to the negotiation for initial consideration and commencement of detailed/intensive negotiations:

- Framework Issues List prepared by WAC
- Existing 11th Amended Agreement for Water Supply
- Existing MOU re Interim Impairment
- Existing Agreements with Marin Municipal Water District
- Existing Agreements with Town of Windsor
- SCWA Draft

Revised Negotiation Schedule

With the addition of Workshop 4 by the WAC and the delay now expected in receiving the Biological Assessment being prepared by the SCWA (staff now forecasts December as the earliest date this will be available), changes to the negotiation timeline appear in order. A suggested revised schedule is shown in Attachment D.

The schedule for the remaining workshops under this suggested revision is:

| | | |
|------------|----------------|---------------------------------------|
| Workshop 5 | September 2002 | Review Initial Draft of Agreement |
| Workshop 5 | January 2003 | Discuss Endangered Species Act Issues |
| Workshop 7 | April 2003* | Review Final Draft of Agreement |

* By way of comparison, under the original schedule approved by the WAC last summer, a final agreement draft was expected to be presented for public review by February 2003.

These workshops are in addition to traditional opportunities the public will have for commenting on the proposed new agreement, such as presenting statements at public hearings held by the parties, communicating with elected officials, etc.

Recommendation:

It is recommended the WAC approve the revised schedule.

Attachments:

Attachment A – Notice/Agenda for Workshop No. 4

Attachment B – Transcript of Comments Received at Workshop No. 4

Attachment C – Changes to Framework Issues Recommended by the Public at Workshop No. 4

Attachment D – Timeline for Negotiation of New Water Supply Agreement (Revision of 6/3/02)

Source for Information:

As before, access to all new agreement information is available on the World Wide Web at:

www.scws.ca.gov

Click on “[Water Advisory Committee](#)”, then

Click on “[New Agreement for Water Supply](#)”, then

Click on “Public Outreach” tab.

Persons who do not have Internet access are welcome to contact John Olaf Nelson Water Resources Management directly for information (see heading on first page of this report for contact information).